

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GREGORY SMITH, *et al.*,

Plaintiffs,

Case No. 21-cv-10672
Hon. Matthew F. Leitman

v.

CITY OF DETROIT, *et al.*,

Defendants.

/

**ORDER GRANTING IN PART PLAINTIFFS' MOTION TO ALLOW
FILING OF BRIEF EXCEEDING PAGE LIMITS (ECF No. 14)**

In this action, Plaintiffs Gregory Smith and Toron Crawford allege that Defendants engaged in employment discrimination against them in violation of the Americans with Disabilities Act (the "ADA") and the Michigan Persons with Disabilities Civil Rights Act. (*See* Compl., ECF No. 1.) Plaintiffs now wish to file a summary judgment motion in which they seek summary judgment in their favor. On April 14, 2022, Plaintiffs asked the Court to allow them to file an oversized brief of 40 pages in support of that motion. (*See* Mot., ECF No. 14.)

The Court has carefully reviewed Plaintiffs' motion, and while it concludes that an enlargement of the page limitation is appropriate, Plaintiffs do not need 40 pages in which to present their arguments to the Court. Accordingly, the Court **GRANTS** Plaintiffs' motion in part and will allow Plaintiffs to file a summary

judgment motion that shall not exceed **35 pages**. Finally, the Court notes that where, as here, a party filing a summary judgment motion has the burden of persuasion at trial, “the party’s initial summary judgment burden is higher in that it must show that the record contains evidence satisfying the burden of persuasion and that the evidence is so powerful that no reasonable jury would be free to disbelieve it.” *Surles v. Anderson*, 678 F.3d 452, 455-56 (6th Cir. 2012). That is a difficult threshold to satisfy – and may be especially difficult where some, or all, of the claims on which a plaintiff moves for summary judgment require a showing of the defendant’s state of mind. Therefore, prior to filing their motion, Plaintiffs should confirm that they have an objectively good-faith basis for believing that they can meet that standard here.

IT IS SO ORDERED.

Dated: April 15, 2022

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on April 15, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan
Case Manager
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